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Suite 3500  
Atlanta, GA 30309  
Telephone: (404) 872-7000  
Fax: (404) 888-7490  
Web Site: [www.wcsr.com](http://www.wcsr.com)

OCT 29 2004

Jeffrey B. Arnold  
Direct Dial: 404-879-2433  
Direct Fax: 404-888-7490  
E-mail:**FACSIMILE**

October 29, 2004

Number of Pages:

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12

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Commissioner for Patents

U.S. Patent and Trademark  
Office

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571-272-1504

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Markmann et al.

Serial No. 09/701,501

Filed: January 8, 2001

For: Novel Linoleum Structure and  
Method for Producing Same

Examiner: Sheeba Ahmed

Art Unit: 1773

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OCT 29 2004

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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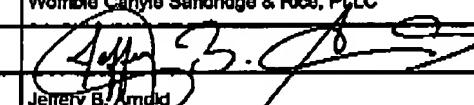
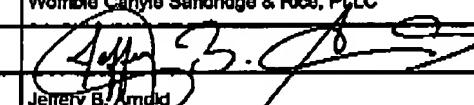
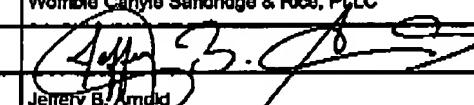
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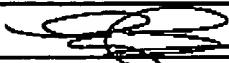
Total Number of Pages in This Submission

Application Number	09/701,501
Filing Date	January 8, 2001
First Named Inventor	Ole Markmann
Art Unit	1773
Examiner Name	Ahmed, Sheeba
Attorney Docket Number	D078 1100

ENCLOSURES (Check all that apply)																		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Amendment Transmittal Letter</b>																
Remarks																		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> <table border="1"> <tr> <td>Firm Name</td> <td colspan="3">Womble Carlyle Sandridge &amp; Rice, PLLC</td> </tr> <tr> <td>Signature</td> <td colspan="3"></td> </tr> <tr> <td>Printed name</td> <td colspan="3">Jeremy B. Arnold</td> </tr> <tr> <td>Date</td> <td>October 29, 2004</td> <td>Reg. No.</td> <td>39,540</td> </tr> </table>			Firm Name	Womble Carlyle Sandridge & Rice, PLLC			Signature				Printed name	Jeremy B. Arnold			Date	October 29, 2004	Reg. No.	39,540
Firm Name	Womble Carlyle Sandridge & Rice, PLLC																	
Signature																		
Printed name	Jeremy B. Arnold																	
Date	October 29, 2004	Reg. No.	39,540															

## CERTIFICATE OF TRANSMISSION/MAILING

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Date October 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$).00

## Complete If Known

Application Number	09/701,501
Filing Date	January 8, 2001
First Named Inventor	Ole Markmann
Examiner Name	Ahmed, Sheeba
Art Unit	1773
Attorney Docket No.	D078 1100

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

09-0528

Deposit Account Name: Womble Carlyle Sandridge

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments
   
 Charge any additional fee(s) or any underpayment of fee(s)
   
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (5)	Fee Code (5)	Fee Description	Fee Paid
1001 790	2001 395			Utility filing fee	
1002 350	2002 175			Design filing fee	
1003 550	2003 275			Plant filing fee	
1004 790	2004 395			Reissue filing fee	
1005 180	2005 80			Provisional filing fee	
SUBTOTAL (1)				(\$).00	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
15	-17** = 0	x	
Independent Claims	2	-2** = 0	x
Multiple Dependent			

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$).00

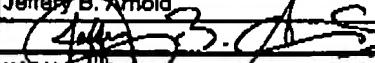
\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (5)	Fee Code (5)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1281 110	2251 55	Extension for reply within first month	
1282 430	2252 215	Extension for reply within second month	
1283 960	2253 490	Extension for reply within third month	
1284 1,530	2254 765	Extension for reply within fourth month	
1285 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1461 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2601 685	Utility issue fee (or reissue)	
1602 490	2502 245	Design issue fee	
1603 660	2503 330	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 780	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 780	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)		(\$).00	

(Complete if applicable)

Name (Print/Type)	Jeffrey B. Arnold	Registration No. (Attorney/Agent)	39,640	Telephone	404-879-2433
Signature		Date	October 29, 2004		

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In re PATENT application of: Ole Markmann, et al.  
Serial No: 09/701,501 OCT 29 2004  
Filed: January 8, 2001  
Title: Novel Linoleum Structure and Method for Producing Same  
Customer No: 41461.0011.8

## AMENDMENT TRANSMITTAL LETTER

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

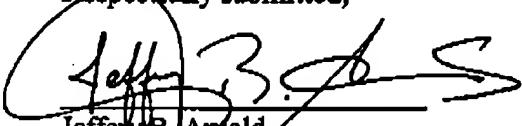
CLAIMS AS AMENDED					
	Claims after Amend.	Highest Prev. Paid For	Extra	Rate SE/LE	Additional Fee
Total Claims	15	- 20	= 0	X \$9/\$18	= \$0
Indep Claims	2	- 3	= 0	X \$43/\$86	= \$0
					<b>Total Additional Fee for this Amendment = \$0</b>



No fee is required.

The Commissioner is hereby authorized to charge the Amendment Fee of \$0.00 and charge any additional fees which may be required, or credit any overpayment to our Deposit Account No. 09-0528.

Respectfully submitted,

  
Jeffery B. Arnold

Reg. No. 39,540

October 29, 2004  
Date

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
(404) 872-7000 (Telephone)  
(404) 888-7490 (Facsimile)

Docket Number: D078 1100 (41461.0011.8)

ATLANTA 422206v1

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PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Markmann et al. )  
Serial No. 09/701,501 ) Examiner: Sheeba Ahmed  
Filed: January 8, 2001 ) Art Unit: 1773  
For: Novel Linoleum Structure and )  
Method for Producing Same )

AMENDMENT AND RESPONSE

In response to the outstanding Office Action mailed July 29, 2004, Applicants respectfully request reconsideration and further examination in view of the following amendment and remarks.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Conclusion is on page 8 of this paper.

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